

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION
CASE No. 1:06 CV 599

PRIMERICA LIFE INSURANCE)
COMPANY,)
)
Plaintiff,)
)
v.)
)
HARRY EVAN SMITH,)
ALMEDA HARRIS a/k/a)
ALMEDA HARRIS SMITH,)
S.E. THOMAS FUNERAL SERVICES,)
INC., JOSEPH H. BROWN, JR. FUNERAL)
HOME and)
BANK OF NORTH CAROLINA,)
)
Defendants.)

**DEFAULT JUDGMENT AND ORDER
FOR PERMANENT INJUNCTION**

THIS CAUSE coming on to be heard and being heard before the undersigned, upon Plaintiff's Motion for Default Judgment against Defendant Harry Evan Smith, Defendant S.E. Thomas Funeral Services, Inc. and Defendant Joseph H. Brown, Jr. Funeral Home; and

IT APPEARING TO THE COURT that:

1. The Court has jurisdiction over the action and over Defendants Harry Evan Smith, S.E. Thomas Funeral Services, Inc. and Joseph H. Brown, Jr. Funeral Home;

Defendants Harry Evan Smith, S.E. Thomas Funeral Services, Inc. and Joseph H. Brown, Jr. Funeral Home were properly served and have failed to properly plead or otherwise defend the action;

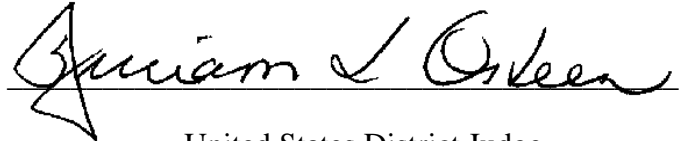
2. Defendant Harry Evan Smith is not an infant, or incompetent, or otherwise under a disability;

3. Entry of Default was made against Defendants Harry Evan Smith, S.E. Thomas Funeral Services, Inc. and Joseph H. Brown, Jr. Funeral Home on November 16, 2006; and

4. Plaintiff's interpleader claims are proper as to Defendants Harry Evan Smith, S.E. Thomas Funeral Services, Inc. and Joseph H. Brown, Jr. Funeral Home.

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Default Judgment against Defendant Harry Evan Smith, Defendant S.E. Thomas Funeral Services and Defendant Joseph H. Brown, Jr. Funeral Home is **GRANTED**. It is **FURTHER ORDERED THAT** Plaintiff and its officers, directors, employees, and agents are hereby discharged from any and all liabilities in connection with Primerica Policy No. 0411472472 or the payment of the proceeds of Primerica Policy No. 0411472472 to Defendant Harry Evan Smith, Defendant S.E. Thomas Funeral Services, Inc. and/or Defendant Joseph H. Brown, Jr. Funeral Home. It is **FURTHER ORDERED THAT** Defendant Harry Evan Smith, Defendant S.E. Thomas Funeral Services, Inc. and Defendant Joseph H. Brown, Jr. Funeral Home are permanently enjoined from instituting further action against Plaintiff and its officers, directors, employees, and agents in connection with Primerica Policy No. 0411472472 or payment of the proceeds of Primerica Policy No. 0411472472. Finally, it is **ORDERED THAT**, by reason of the default judgment, Defendant Harry Evan Smith, Defendant S.E. Thomas Funeral Services, Inc. and Defendant Joseph H. Brown, Jr. Funeral Home do not oppose

Plaintiff's discharge from this action or any subsequent award of such attorneys' fees and costs incurred by Plaintiff in pursuing its interpleader claims as the Court may deem appropriate.

A handwritten signature in black ink, reading "Guiana L. Orken", is written over a horizontal line. The signature is cursive and fluid.

United States District Judge

January 26, 2007